

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES T. GAVIN, et. al.,

NO. 5:11-cv-00994 EJD

Plaintiff(s),

ORDER TO SHOW CAUSE

v.

QUABBIN, INC., et. al.,

Defendant(s).

On August 2, 2011, the Court approved a stipulation to dismiss from this action with prejudice defendants Quabbin, Inc. and All Printing Resources Inc. There remains one defendant, Print Tech Solutions Ltd. ("Print Tech"), who has yet to be served with the Summons and Complaint filed March 3, 2011, and has not otherwise appeared in this action.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

More than 120 days have elapsed since Plaintiffs filed the complaint. Thus, Plaintiffs shall, no later than August 26, 2011, show cause in writing why they have failed to: (1) file documents to

1 show proof of service of the Summons and Complaint on Print Tech to comply with Rule 4(l) of the
2 Federal Rules of Civil Procedure; and (2) accomplish service of the Summons and Complaint on the
3 aforementioned Defendant within 120 days of filing the complaint to comply with Rule 4(m) of the
4 Federal Rules of Civil Procedure. No hearing will be held on the order to show cause unless
5 otherwise ordered by the Court.

6 Plaintiffs are notified that this Court will dismiss this action if Plaintiffs fail to comply
7 with this Order or otherwise fail to show good cause as directed above.

8 IT IS SO ORDERED.

9 Dated: August 2, 2011



EDWARD J. DAVILA
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

Orestes Alexander Cross orestescross@yahoo.com
Virginia K. DeMarchi vdemarchi@fenwick.com
Thomas Joseph O'Brien tobrien@walstonlaw.com
Ryan Aftel Tyz rtyz@fenwick.com
Gregory Scott Walston gwalston@walstonlaw.com

Dated: August 2, 2011

Richard W. Wieking, Clerk

By: /s/ EJD Chambers
Elizabeth Garcia
Courtroom Deputy